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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/666,140

09/20/2000

Joseph G. Barrett

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08/15/2006

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EXAMINER

NGUYEN, VAN KIM T

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/666,140

Applicant(s)

BARRETT ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

2151

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED _____ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


S.P.E. 2151

Continuation of 11. does NOT place the application in condition for allowance because:
Applicant's argument is not persuasive.

Claims 1-37 are rejected under 35 U.S.C.102(e) as being anticipated by Eichstaedt et al. (U.S. Patent No. 6,662,230), hereinafter Eichstaedt.

Regarding claims 1, 2, 13-16, 23-26, and 34-35, as shown in Figures 1-6, Eichstaedt discloses:
monitoring a computer system for connection transactions between multiple requestors (12, 14, 16) and multiple access providers (18, 20) using a switching component (22, 11) connected to the multiple access providers (col. 5: lines 32-39; and col. 11: lines 62-67);
denying access by an attacking access requestor (16) to the access providers (18) when a number of connection transactions initiated by the attacking access requestor (e.g., request values) through the switching component (11) exceeds a configurable threshold number (e.g., maximum request values) during a first configurable period of time (col. 6: lines 43-61; and col. 12: lines 3-20).

Regarding claims 3-4 and 6-7, Eichstaedt also discloses the monitoring further includes counting and comparing the number of connection transactions initiated by the access requestors (e.g., request values) through the switching component (11) during the first configurable period of time (t1) to the configurable threshold (e.g., a comparison between the calculated request values and a predefined maximum value is made; col. 7: lines 5-10 and lines 21-49).

Regarding claims 5, 8-9, 18-19, and 28-29, Eichstaedt also discloses the monitoring includes detecting connection transactions between multiple Internet protocol addresses and the access providers with the switching components (col. 5: lines 32-39; and col. 7: lines 23-49).

Regarding claims 17 and 27, the aforementioned claims contain similar limitations to those limitations of claims 1 and 3-4 therefore the same grounds of rejection is applicable.

Regarding claims 10-12, 20-22, and 30-33, Eichstaedt discloses that the denying of access includes denying access to the access providers through the switching component (11) by the attacking access requestor (16) for a second configurable period of time (ti) after detecting a most recent connection transaction initiated by the attacking requestor through the switching component (col. 4: lines 12-17; and col. 7: lines 31-49).

Regarding claims 36, Eichstaedt also discloses a host computer system (21) receives communication from the switching component.

Regarding claims 37, Eichstaedt also discloses the switching system (11) is included in a host system (21).